

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**R.S.A. No.1273 of 2005
Date of Decision:13.11.2007**

Karnail Singh

.....Appellant

Vs.

Kesar Singh and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Naresh Kaushal, Advocate for the appellant.

Mr. H.N.S.Gill, Advocate for the respondents.

Rajesh Bindal, J.

The plaintiff is in second appeal before this Court against concurrent finding of fact by both the Courts below whereby suit filed by him for permanent injunction restraining the respondents/ defendants from raising any construction or encroaching upon the land in dispute, was dismissed.

The case set up by the appellant/ plaintiff is that he was owner in possession of bara in dispute. However, no material was produced on record by him to prove his ownership or even the possession. No witness from the village was produced by him who could support his case. Even the site plan Ex.P.1 produced on record by him was not proved

. As against this, the fair stand of the respondents was that though the appellant is in illegal possession of the land, still they are not trying to dispossess him forcibly rather they have already filed a suit for possession. Once it was found that the defendants are already taking due course of law to have possession of the land from the appellant and there being no apprehension of his being dispossessed unless in due course of law, in my opinion, the grouse of the appellant/ plaintiff does not survive.

No substantial question of law arises in the present appeal. Accordingly, the same is dismissed.

**November 13, 2007
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**(RAJESH BINDAL)
JUDGE**